

ORDINANCE NO. 01-23 —

**MORGAN TOWNSHIP,  
GREENE COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF MORGAN TOWNSHIP, GREENE COUNTY  
PENNSYLVANIA ENTITLED THE MORGAN TOWNSHIP  
TRANSIENT RETAIL BUSINESS ORDINANCE SETTING FORTH  
RULES AND REGULATIONS AND PROVIDING PENALTIES  
THEREOF.**

**WHEREAS**, the Township believes it necessary to provide new rules and regulations as to the process and procedure for the issuance of transient retail licenses and for the regulations of the use of said license; and

**WHEREAS**, it is in the public interest and welfare of all the citizens of Morgan Township to regulate Transient Retail Businesses in the Township.

**NOW, THEREFORE**, the Board of Supervisors of Morgan Township under and by virtue of, and pursuant to the authority granted by the Second Class Township Code, as amended, does hereby **ENACT** and **ORDAIN** as follows:

**SECTION 1. SHORT TITLE.**

This Ordinance shall be known as the “Morgan Township Transient Retail Business Ordinance of 2023.”

**SECTION 2. SCOPE.**

The purpose of this Ordinance is to set forth new standards for the issuance of permits, new regulations for transient retail business and related procedures thereof.

**SECTION 3. DEFINITIONS.**

For purposes of this chapter, the following word, term and/or phrase has the meaning indicated herein:

**AUTHORIZATION** — License, permit or registration.

**BOARD OF SUPERVISORS** —The Board of Supervisors of Morgan Township, Greene County, Pennsylvania.

**DONATION** — An exchange of gift or money or other item of value and shall also include the purchase of an item for an amount exceeding its value under circumstances where a reasonable person would understand that the purchase is in substance a gift.

PEDDLER — Any person who shall engage in peddling as defined herein.

PEDDLING — The selling or offering for sale of any goods, wares, services or merchandise for immediate delivery which the person selling or offering for sale carries with him in traveling, or has in his possession or control, upon any of the streets or sidewalks; or from house to house; or by visitation to private residences; or by entering in or upon private property within the said Township.

PERSON — Includes any natural person, partnership, association, firm or corporation.

PROMOTER — Any person, as defined hereinabove, who organizes the gathering of two (2) or more persons, as defined hereinabove, engaged in transient retail business.

SOLICITING — The seeking or taking of contracts or orders for any goods, wares, services or merchandise for future delivery, or for subscriptions or contributions, upon any of the streets or sidewalks; or from house to house; or by visitation to private residences; or by entering in or upon private property within Morgan Township, and shall further mean seeking or taking of contracts or orders for home or other building repairs, improvements and alterations; and also orders or contracts for new mechanical, electrical, plumbing, or heating device or equipment for houses, or other building improvements or repairs upon or from the places aforesaid within the Township.

SOLICITOR — Any person who shall engage in soliciting as hereinabove defined.

TEMPORARY — A period of time of thirty (30) consecutive days or less.

#### TRANSIENT RETAIL BUSINESS

Includes the following:

- A. Engaging in peddling, canvassing, soliciting or taking of orders, either by sample or otherwise, for any goods, wares or merchandise, upon any street or alley, sidewalk or public ground or from house to house or any other location within Morgan Township.
- B. Selling, peddling, soliciting or taking orders for any goods, wares or merchandise from a fixed location within Morgan Township, on a temporary basis, which shall include, but shall not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes or for or in advance of specific yearly holidays. Flea markets and garage sales are specifically excluded as a transient retail business.
- C. "Transient retail business" shall not include sales conducted by merchants in front of their establishments provided that the regular business of such merchants are non-temporary in nature and fixed in location at their said addresses. Transient retail businesses shall not include sales conducted by residents on property owned by them.

- D. "Transient retail business" shall in no event include business conducted by persons having a nontemporary place of business within Morgan Township or business conducted by a resident of Morgan Township, whether or not such business would otherwise be characterized as transient retail business hereunder. This exclusion shall also apply to the agents, employees and/ or helpers of such persons.

**TRANSIENT MERCHANT** — A person engaging in a transient retail business for the sale of personal property, goods and/or services, whether the business is conducted from a fixed location within the Township or by an individual engaged in peddling, soliciting or the taking of orders from house to house, or at some other physical location, including agents and employees thereof.

In this Ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

#### **SECTION 4. EXEMPTIONS.**

- A. No license or permit shall be required and no fee shall be charged under this Ordinance for the following transient retail businesses:
1. To farmers selling their own produce.
  2. To homeowners selling produce that has been cultivated and harvested from their property.
  3. For the sale of personal property if the proceeds of the sale are to be applied to a charitable or philanthropic purpose.
  4. To a manufacturer or producer in the sale of bread and/ or bakery products, meats and/ or meat products, and milk and/ or milk products, excluding ice cream or another frozen dessert.
  5. To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania for insurance.
  6. To persons, their agents or employees, who have complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, December 19, 1990, P.L. 1200, No. 202, 10 P.s. S 162.1 et seq., as amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.
  7. To any person taking orders for merchandise from dealers or merchants for resale to an ultimate consumer.

8. To natural persons under the age of eighteen (18) years who take orders for and delivery of newspapers, greeting cards, candy, bakery products and the like, or representing the Boy Scouts or Girl Scouts or similar nonprofit organizations, the proceeds of which are provided to such nonprofit organizations.
- B. Any person dealing in one or more of the above-mentioned exempted categories and dealing with other goods, wares, services or merchandise not so exempted, including the solicitation of donations, shall be subject to the application requirements and payment of the license fee fixed by this Ordinance for such person's activities in connection with a transient retail business, peddling, canvassing, soliciting or taking orders for goods, wares and services merchandise, not included in such exempted categories.

## **SECTION 5. APPLICATION FOR LICENSE.**

A. License Required.

1. Every person desiring to engage in any transient retail business, soliciting or peddling in Morgan Township shall first file an application with Morgan Township together with the license fee herein established. If such person shall also be required to obtain a license from any County officer, he shall, on making such application, exhibit a valid County license. The said application shall be upon a blank provided by the Township and shall contain at least the following information verified and made subject to penalties of 18 Pa.C.S.A. S 4904, relating to unsworn falsification to authorities:
  - a. Name and physical description of applicant and all agents or representatives of applicant who may engage in said activities.
  - b. Complete permanent home and local address of the applicant and all agents or representatives of applicant who may engage in said activities and in the case of transient merchants, the local address from which proposed sales will be mailed.
  - c. A description of the nature of the business and the goods to be sold or otherwise subject to this Ordinance.
  - d. If employed, the name and address of the employer and all agents or representatives of applicant who may engage in said activities together with credentials therefrom establishing the exact relationship.
2. Provided, where a person makes application for himself and one or more agents, employees and/or helpers, all applicable personal information

specified above shall be given for each agent, employee and helper and verified by oath or affirmation by him.

3. If the applicant desires to engage in any transient retail business, soliciting or peddling on private lands, they shall provide proof of the owners acknowledgement for the activity and shall provide proof of a valid/ approved Change of Use Form pursuant to the Morgan Township Zoning Ordinance.
- B. Every license granted under the provisions of this Ordinance shall be granted on an individual basis to persons engaging in such business and every individual shall be licensed, in his or her name, and the fee hereby imposed shall be applicable as set forth hereinafter.
- C. A promoter who organizes and coordinates two or more persons engaged in transient retail business shall, on behalf of such persons, apply for and obtain the license required by Subsection A, above, in which case such license shall be approved for each such person in his or her name, for which a fee in the amount set forth hereinafter shall be imposed and paid by the promoter at time of application.
- D. Every person, as defined herein, who rents a lot, parcel or space or otherwise grants a license or privilege to a transient retail business, or transient retail merchant to conduct transient retail business activities, on land and/ or in buildings or structures owned by, or leased to, said person renting or granting said license or privilege to conduct transient retail business activities, shall ascertain that each transient retail business and transient retail merchant has been licensed as required by this Ordinance, before renting said lot, parcel or space or otherwise granting a privilege or a license to conduct transient retail business activities thereon or therein.

#### **SECTION 6. INVESTIGATION; PAYMENT OF FEES; ISSUANCE OF PERMIT.**

- A. The Township Secretary/Treasurer and/or Zoning Officer shall endorse on the application his/her approval and upon payment of the fees listed below shall deliver to the applicant his or her permit and Township's approved identification badge, which shall be affixed to the outer clothing of the solicitor in a manner so as to be permanently displayed t all times during the course of solicitation.
  1. Twenty Five and 00/100 (\$25.00) Dollars for one (1) day or fraction thereof.
  2. Fifty and 00/100 (\$50.00) Dollars for one (1) week or fraction thereof.
  3. One Hundred and 00/100 (\$100.00) Dollars for each month of fraction thereof, a maximum of six (6) monthly may be issued under one (1) permit.

4. One (1) permit request for Traveling Street Vendors for a period of up to six (6) months shall pay a fee of One Hundred and 00/100 (\$100.00) Dollars for the time period authorized, but not to exceed six (6) months.
- B. Group permits may be granted and permits may be issued for a period of up to one (1) year without the necessity of a renewal during the year, upon compliance with this Ordinance, applicable laws and payment of all fees. Upon the refusal of or failure to act on an application within a reasonable time, the applicant may appeal to the Township Supervisors.
- C. The Township may modify the fees as set forth in this Ordinance by resolution of the Board of Supervisors.

#### **SECTION 7. SURETY BOND.**

Before a license shall be issued, the applicant shall secure and deliver to the Township a bond with corporate surety approved by the Township Solicitor in the sum of Five Thousand and 00/100 (\$5,000.00) Dollars. Said surety bond shall be issued by a bonding company authorized to conduct business in the Commonwealth of Pennsylvania and shall provide for and secure to the public assurance that the applicant for said license shall comply fully with all provision of the Township ordinances and of the relevant Pennsylvania Laws regulating and concerning the sale of goods, wares and merchandise and will pay all judgments rendered against such applicant for any violations of such ordinances and statutes.

#### **SECTION 8. NONLIABILITY OF TOWNSHIP.**

All peddlers and solicitors as defined herein including non-profit organizations and agencies shall agree to hold harmless the Township, its Board of Supervisors, individual Supervisors, employees, etc. from any liability, damage and/or injury which is causally related to an act or non-act on the part of the aforementioned individuals/agencies. The same shall execute the appropriate indemnification agreement and submit the appropriate insurance to the satisfaction of the Township as part of the license process. No license will be issued by the Township until the same is submitted to the Township and approved thereof.

#### **SECTION 9. APPROVAL OF LICENSES IN GENERAL.**

Subject to this Ordinance, below, all applications for licenses, together with license fee, shall include the results of a Request for Criminal Record Check (as fulfilled by and through the Pennsylvania State Police), per this Ordinance, shall be transmitted by the Township Secretary/Treasurer who shall license such applicant unless he or she shall determine that issuance would be detrimental to the health, safety and/or welfare of the citizens of Morgan Township for a reason specified in this Ordinance, below. Unless otherwise specifically exempted, all approved licensees will be required to obtain an identification badge as administered through the Township.

The Township Secretary/Treasurer shall either license the applicant or send a notice of rejection of the application to the applicant within ten (10) days after the date on which a completed application is filed with the Township Office. Notice of rejection shall state the reason or reasons therefor.

#### **SECTION 10. EMERGENCY LICENSES.**

In the event that any person, or the promoter acting in his behalf, is unable to obtain a license in the manner provided in this Ordinance as a result of justifiable time constraints or any other reasonable cause, the Township Secretary/Treasurer or his/her designee may issue a license to such person upon the filing by such person of an application for a license together with the license fee herein required, if any, unless he determines that the application of such person should be rejected for a reason specified in this Ordinance.

#### **SECTION 11. INVESTIGATION OF APPLICANTS.**

No application for a license shall be considered complete until such time as it includes the results of a Request for Criminal Record Check (as fulfilled by and through the Pennsylvania State Police) of the applicant(s) as is deemed necessary for the protection of the public welfare.

#### **SECTION 12. DURATION OF LICENSE.**

The license granted, pursuant to this Ordinance, shall be valid for the approved duration within the calendar year for which it has been approved.

#### **SECTION 13. UNLAWFUL TO SELL PRODUCT OR SERVICE NOT MENTIONED ON APPLICATION FOR LICENSE.**

No transient retail merchant shall engage in selling any product or service not mentioned on his or her application for a license.

#### **SECTION 14. RESTRICTED DAYS AND HOURS.**

No person engaging in any transient retail business when working from house to house, shall engage in any business activity at any time on Sunday or any legal holiday. Furthermore, transient retail businesses shall not engage in any transient retail activity before 9:00 a.m. or after 7:00 p.m. prevailing time Monday through Saturday subject to the restriction as set forth in this Section.

#### **SECTION 15. DENIAL OR REVOCATION OF LICENSE.**

Licenses may be denied, and licenses approved under the terms of this Ordinance may be revoked, by the Township Secretary/Treasurer (or his/her designee) for any of the following causes:

- A. Fraud, misrepresentation or false statement contained in the application for authorization.
- B. Fraud, misrepresentation or false statement made in the course of the business of the person authorized or seeking authorization.
- C. Any violation of this Ordinance .
- D. Conviction of a crime involving moral turpitude.
- E. Past or present conduct of a person authorized or seeking authorization in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- F. The Township may deny the issuance of any license for reasons involving the health, safety and welfare of its residents involving matters such as the COVID-19 Pandemic.

#### **SECTION 16. PROHIBITED ACTS BY LICENSE HOLDERS.**

No person licensed under this Ordinance shall park any vehicle upon any of the streets, highways or alleys of the Township in order to sort, rearrange or clean any of his goods, wares, services or merchandise; nor shall any such person place or deposit any refuse on any such streets, highways or alleys; nor shall any such person maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Township for longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.

No person in any transient retail business shall:

- A. Sell any product or type of product not described in the license application submitted to the Township or referred to on the license issued by the Township.
- B. Engage in any transient retail business activity at a location, a time or in a manner not specifically permitted pursuant to the license issued by the Township.
- C. When operating from a vehicle, stop or park such vehicle upon any street or alley of the Township in violation of the Pennsylvania Vehicle Code or in violation of any Township ordinance.
- D. Remain at any location for a period longer than permitted pursuant to the license issued by the Township.
- E. Maintain any transient retail business related equipment, accessories or vehicles on streets, alleys, sidewalks, or public property of the Township between the hours as set forth in Section 14 of this Ordinance.



- F. Conduct any transient retail business after suspension, revocation or expiration of the license issued by the Township.
- G. Block or unreasonably impede vehicular or pedestrian traffic.
- H. Knock, ring the doorbell, or otherwise attempt to gain the attention of the occupant(s) of a building other than at the primary entrance to the building.
- I. Knock, ring the doorbell, or otherwise attempt to gain the attention of the occupant(s) of a residence in the Township where the owner, occupant or person legal in charge of the premises has posted at the primary entrance to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Peddlers", "No Solicitors", or words of similar import, provided that the provisions of this Section shall not apply to any solicitor or canvasser who knocks at any door, or rings any bell at the invitation or with the consent of some member of the household at which he is so applied for admission. Engage in a transient retail business in an aggressive manner. As used in this Ordinance, "aggressive manner" means either approaching a person present at the residence or continuing or continuing to peddle or solicit after the person has made a negative response, whether before or after being invited into the residence, in a manner that: is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in a person's possession or in or about the residence; or is intended to or is, likely to intimidate the person into responding affirmatively to the peddling or soliciting activity.
- J. Continue efforts to solicit from an individual once that individual informs the solicitor that he/she does not wish to make a purchase.

#### **SECTION 17. NOISE PROHIBITED.**

No permittee not any person in his/her behalf, shall shout, cry out, blow a horn, ring a bell or use any sound or amplify device upon any of the streets of Morgan Township or upon private premises for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. In addition, all permittees shall comply in all respects with any and all Township Ordinances, as amended. To the extent that a conflict exists in any such ordinance, the most restrictive rule or regulation shall apply to all individuals or entities regulated herein.

#### **SECTION 18. VIOLATIONS AND PENALTIES.**

Any person who violates or permits the violation of any provision of this Ordinance shall, upon conviction thereof in a summary proceeding brought before a District Justice, be guilty of a summary offense and shall be subject to the payment of a fine, not less than Fifty and 00/100 (\$50.00) dollars for the first offense, not less than One Hundred and 00/100 (\$100.00) dollars for the second and subsequent offense, and not more than One Thousand and 00/100 (\$1,000.00) dollars, plus the cost of prosecution. Upon default of payment thereof, the defendant may be

sentenced to imprisonment in the county prison for a period of not more than thirty (30) days. Each section or provision of this chapter that is violated shall constitute a separate offense, and each day or portion thereof in which a violation of this chapter is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice in the amounts stated hereinabove.

#### **SECTION 19. SEVERABILITY.**

The provisions of this Ordinance are hereby declared severable, and if any of its provisions shall be held to be invalid or unconstitutional, or otherwise void for any reason, such decision shall not affect or impair any of the remaining provisions hereof, it is hereby declared to be the intent of the Township that this Ordinance would have been adopted if such invalid, unconstitutional or otherwise void provision had not been included herein.

#### **SECTION 20. REPEALER.**

Any Ordinance containing any provision inconsistent herewith to the extent that such provisions are inconsistent, those provisions are also hereby repealed.

#### **SECTION 21. CODIFICATION.**

The Code of Ordinance of Morgan Township, Greene County, Pennsylvania, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented and modified by this Ordinance. This Ordinance shall become a part of Chapter 170 of Code of Morgan Township, Greene County, Pennsylvania.

#### **SECTION 22. EFFECTIVE DATE.**

This Ordinance shall become effective five (5) days after enactment.

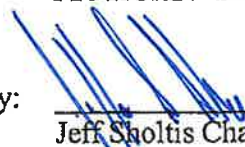
**ENACTED AND ORDAINED** by the Board of Supervisors of Morgan Township, Greene County, Pennsylvania, this 5th day of September, 2023.

**ATTEST:**

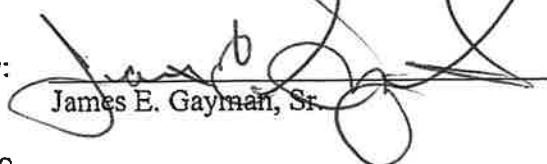
  
Relda K. Litten, Secretary/Treasurer

(SEAL)

**MORGAN TOWNSHIP**

By:   
Jeff Sholtis Chairman

By:   
Shirl K. Barnhart Vice Chairman

By:   
James E. Gayman, Sr.